

United States Courts  
Southern District of Texas  
FILED

APR 08 2025

Nathan Ochsner, Clerk of Court

IN THE UNITED STATES BANKRUPTCY COURT FOR  
THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

*Michael Vineard*  
Plaintiff.

COMPLAINT AND CLAIM

Case No: 24-90533 (ARP)

Case No: *2:23-CV-559-JES-NPM*

-vs-

DEMAND FOR JURY TRIAL

WELLPATH HOLDINGS Inc., et al.,  
Defendants.

OBJECTION TO PLAN AND DECLARATION OF CLAIMS.

Comes now, Plaintiff *Michael Vineard* and do hereby file this  
OBJECTION AND REJECTION TO THE ANNOUNCED PLAN AS MISREPRESENTATION OF  
ALL PARTIES BEST INTEREST.

WHEREAS RESPONDENT JON JACKSON did file an objection to Bankruptcy and Demand  
for Trial on: *January 21<sup>st</sup> 25* as such this filing was meant to preserve and in response for all parties  
effected at the Florida Civil Commitment Center 13619 S.E. Hwy 70 Arcadia Fl. Were as pursuant to  
Bankruptcy Codes any party that demands Trial and preserve a right in Response preserves that right for  
all parties in like to Claim this would include upon agreement ERIC JOHNNY ADAMS et al. who is the  
lead plaintiff case filer and this further incorporates the 'Patients Declaration' and Motion for 'Relief of  
Automatic Stay and other Reliefs filed in this matter.

As a Class 6 General Unsecured Claimant Holder I am Entitled to vote and I do hereby Vote to Reject  
this Plan as submitted for the above mentioned reasons and the 'Patient Declaration' filing. The submitted  
remedy pursuant to the 'Alternative Dispute Resolution Agreement' has been presented as such with the  
terms of the Court being that the matter shall proceed to trial before the Bankruptcy Court for disposition  
of dispute.

The Debtors failed to give timely notice of the voter record deadline as the case will show the  
filing Document 1770-2 was filed on 03/12/25 and the listed date deadline was 03/11/2025 this is not  
proper to allow time to participate and thereby the availability to vote on Plan in rejection and objection is  
valid as to Claims.

The responding parties formed and joined a Committee named the Alternative Dispute Resolution  
Committee (ADRC) on: *11/28/2024* and as such when the filing was submitted it served to represent a  
reservation of all such rights to respond and answer in kind of cases.

Whereas these claims may not be dismissed for want of reasons that are not applicable pursuant  
to law in that Debtors et al WELLPATH HOLDINGS Inc. et al is a party to suit that was filed against the  
Respondents in State Court and the Claims of Injury was originally designated to be filed in State Court  
'Civil Commitment Cases' and (the Civil Commitment Cases) are still ongoing in the Circuit Courts of

Florida and as such the Debtors may not Stay a proceeding in a Lawsuit they initiated and participated in as a third party against a Respondent/Defendant and then attempt to deny him any and every opportunity to respond and Counterclaim as a legal right pursuant to 768.14 and Negligent misrepresentation the alleged injury arising from such misrepresentation is objectively verifiable. If taken as true, such misrepresentation by WELLPATH HOLDINGS Inc. et al in their treatment progress reports subjected the circuit courts and others to undue influence of fraudulent and fugitive material literature and caused and or contributed to the prolonged and unjust detention of Me and Other civilly committed Respondents like ERIC JOHNNY ADAMS.

These matters are further being litigated in the of the Middle District Juan Vega Case No: who is a Respondent and Plaintiff in these matters likewise and as such the right to respond here in these counterclaims are so required and appropriated under Bankruptcy Codes.

#### APPLICATION OF THE DISCOVERY RULE

That as a Plaintiff to raise the discovery rule in Bankruptcy Court as with the federal court, "a plaintiff need not expressly plead the rule. It is sufficient for a plaintiff to plead sufficient facts to put the defense on notice of the theories upon which the complaint is based. Simpson v. James 903 F.2d 372, 375 (5<sup>th</sup> Cir. 1990).11 U.S.C. SS 108.

#### PROXIMATE AND SUPERCEDING CAUSE

Proximate cause includes two essential elements (1) foreseeability, and (2) cause in fact. F.D.I.C. v. Ernst & Young 976 F.2d 166, 170 (5<sup>th</sup> Cir. 1992) & (McClure v. Allied Stores of Texas, Inc., 608 S.W. 2d 901, 903(Tex. 1980))."

/s/ 

Florida Civil Commitment Center

13619 S.E. Hwy 70

Arcadia, FL 34266

**Item 1. Voting - Complete This Section.**

<b>ITEM 1: PRINCIPAL AMOUNT OF CLAIMS</b>	<p>The undersigned hereby certifies that, as of the Voting Record Date, the undersigned was the holder (or authorized signatory for a holder) of Claim(s) in the Voting Class as set forth below (your "Claim"). You may vote to accept or reject the Plan. You must check the applicable box in the right-hand column below to "accept" or "reject" the Plan in order to have your vote in the Voting Class counted.</p> <p>Please note that you are voting all of your Claims in the Voting Class either to accept or reject the Plan. You may not split your vote in the Voting Class. If you do not indicate that you either accept or reject the Plan in the Voting Class by checking the applicable box below, your vote in the Voting Class will not be counted. If you indicate that you both accept and reject the Plan for the Voting Class by checking both boxes below, your vote in the Voting Class will not be counted.</p> <p>The holder of the Claims in the Voting Class set forth below votes to (please check one and only one box per applicable Voting Claim):</p>	
<b>Class 6 – General Unsecured Claims</b>	<p><b>Amount:</b></p> <p>\$ 1,000,000</p>	<p><input type="checkbox"/> ACCEPT (VOTE FOR) THE PLAN</p> <p><input checked="" type="checkbox"/> REJECT (VOTE AGAINST) THE PLAN</p>

**Item 2. Important Information Regarding Releases, Exculpations, and Injunctions under the Plan.<sup>2</sup>**

AS A HOLDER OF THE CLAIMS IN THE VOTING CLASS IDENTIFIED IN ITEM 1, YOU ARE A "RELEASING PARTY" UNDER THE PLAN AND ARE DEEMED TO PROVIDE THE THIRD-PARTY RELEASE CONTAINED IN ARTICLE IX.D OF THE PLAN, AS SET FORTH ABOVE. YOU MAY CHECK THE BOX BELOW TO ELECT NOT TO GRANT THE RELEASE CONTAINED IN ARTICLE IX.D OF THE PLAN. YOU WILL NOT BE CONSIDERED A "RELEASING PARTY" UNDER THE PLAN IF YOU CHECK THE BOX BELOW AND SUBMIT THE OPT OUT BY THE VOTING DEADLINE. YOU MAY ALSO VALIDLY OPT OUT OF THE RELEASES BY FILING AN OBJECTION TO THE RELEASES CONTAINED IN THE PLAN WITH THE BANKRUPTCY COURT PRIOR TO THE PLAN OBJECTION DEADLINE. THE ELECTION TO WITHHOLD CONSENT TO GRANT THE THIRD-PARTY RELEASE IS AT YOUR OPTION. ALL HOLDERS OF CLAIMS THAT DO NOT ELECT TO OPT OUT OF THE PROVISIONS CONTAINED IN ARTICLE IX OF THE

<sup>2</sup> The Plan provisions referenced herein are for summary purposes only and do not include all provisions of the Plan that may affect your rights. If there is any inconsistency between the provisions set forth herein and the terms of the Plan, the terms of the Plan shall govern. Please read the Plan carefully before completing this Ballot.

PLAN WILL BE DEEMED TO HAVE EXPRESSLY, UNCONDITIONALLY, GENERALLY, INDIVIDUALLY, AND COLLECTIVELY CONSENTED TO THE RELEASE AND DISCHARGE OF ALL CLAIMS AND CAUSES OF ACTION AGAINST THE DEBTORS AND THE RELEASED PARTIES.

YOU WILL RECEIVE THE SAME TREATMENT ON ACCOUNT OF YOUR CLAIM(S) UNDER THE PLAN REGARDLESS OF WHETHER YOU ELECT TO NOT GRANT THE RELEASE CONTAINED IN ARTICLE IX.D OF THE PLAN. HOWEVER, BY ELECTING TO OPT OUT OF THE RELEASES SET FORTH IN ARTICLE IX.D OF THE PLAN, YOU WILL FOREGO THE BENEFIT OF OBTAINING THE RELEASES SET FORTH IN ARTICLE IX OF THE PLAN IF YOU ARE A RELEASED PARTY IN CONNECTION THEREWITH.

## **UNLESS YOU CHECK THIS BOX, YOU MAY WAIVE YOUR RIGHTS AGAINST CERTAIN NON-DEBTORS**

☒ BY CHECKING THIS BOX, THE HOLDER OF THE CLAIMS IDENTIFIED IN ITEM 1 ELECTS TO OPT OUT OF THE THIRD-PARTY RELEASE AND KEEP ITS CLAIMS AGAINST CERTAIN NON-DEBTOR PARTIES.

Article IX.G of the Plan provides for a release by the Debtors (the "Debtor Release"):

To the fullest extent permissible under applicable law, other than in the case of willful misconduct, gross negligence, or actual fraud (but not, for the avoidance of doubt, Avoidance Actions), each of the Debtors, the Post-Restructuring Debtors, Reorganized Wellpath, and their Estates, in each case in behalf of themselves and their respective successors, assigns, and representatives, and any and all other entities who may purport to assert any cause of action, directly or derivatively by, through, for, or because of the foregoing entities shall be deemed to have conclusively, absolutely, unconditionally, irrevocably, and forever, released and discharged each Released Party from any and all claims, interests, damages, remedies, causes of action, demands, rights, debts, actions, suits, obligations, liabilities, accounts, defenses, offsets, powers, privileges, licenses, liens, indemnities, guaranties, and franchises of any kind or character whatsoever, whether known or unknown, foreseen or unforeseen, existing or hereinafter existing, contingent or non-contingent, liquidated or unliquidated, secured or unsecured, asserted or assertable, direct or derivative, matured or unmatured, suspected or unsuspected, in contract, tort, law, equity, or otherwise, including any derivative claims, asserted or assertable on behalf of any of the Debtors, Post-Restructuring Debtors, Reorganized Wellpath, or their Estates, that such entity would have been legally entitled to assert (whether individually or collectively), based on or relating to, or in any manner arising from, in whole or in part, the debtors, the company (including the capital



claims or interests; (4) asserting any right of setoff, subrogation, or recoupment of any kind against any obligation due from such Entities or against the property of such Entities on account of or in connection with or with respect to any such claims or interests unless such Holder has Filed a motion requesting the right to perform such setoff on or before the Effective Date, and notwithstanding an indication of a claim or interest or otherwise that such Holder asserts, has, or intends to preserve any right of setoff pursuant to applicable law or otherwise; and (5) commencing or continuing in any manner any action or other proceeding of any kind on account of or in connection with or with respect to any such claims or interests released or settled pursuant to the Plan; *provided*, that, for the avoidance of doubt, Article IX.F of the Plan shall not apply to parties that timely opt out of the Third-Party Release to preserve their claims against the Released Parties.

**Item 2. Certifications.**

By signing this Opt Out Form, the undersigned certifies to the Bankruptcy Court and the Debtors the following:

- (a) as of the Voting Record Date, the undersigned was the holder (or authorized signatory for a holder) of the Claims;
- (b) the Entity (or in the case of an authorized signatory, the holder) has received a copy of the *Notice of Non-Voting Status and Opt Out of Releases to Holders of Unimpaired Claims Conclusively Deemed to Accept the Plan* and that this Opt Out Form is made pursuant to the terms and conditions set forth therein;
- (c) the Entity (or in the case of an authorized signatory, the holder) has submitted the same respective election concerning the releases with respect to all Claims in a single Class; and
- (d) no other Opt Out Form has been submitted or, if any other Opt Out Forms have been submitted with respect to such Claims, then any such earlier Opt Out Forms are hereby revoked.

Name of Holder: Michael Barry Keneard

(print or type)

Signature: Michael Keneard

Name of Signatory: \_\_\_\_\_

(if other than Holder)

Title: Claimant/Resident Florida Civil Emergency Center

Address: 13619 S.E. Hwy 70

Arcadia FL 34266	
Telephone Number:	
Email:	
Date Completed:	03-30-2025

**IF YOU HAVE MADE THE OPTIONAL OPT OUT ELECTION, PLEASE COMPLETE, SIGN, AND DATE THIS OPT OUT FORM AND RETURN IT PROMPTLY BY ONLY ONE OF THE METHODS BELOW.**

**By first class mail, overnight courier, or hand delivery to:**

Wellpath Holdings, Inc.  
c/o Epiq Ballot Processing  
P.O. Box 4422 Beaverton, OR 97076-4422

**By overnight courier, or hand delivery to:**

Wellpath Holdings, Inc. Ballot Processing  
c/o Epiq Ballot Processing  
10300 SW Allen Boulevard  
Beaverton, OR 97005

**If you would like to coordinate hand delivery of your Opt Out Form, please email [WellpathInfo@epiqglobal.com](mailto:WellpathInfo@epiqglobal.com) and provide the anticipated date and time of your delivery.**

**OR**

**By electronic, online submission:**

Please visit <http://dm.epiq11.com/Wellpath> (the "E-Opt Out Portal"). Click on the "E-Opt Out" link under the Case Actions section of the website and follow the instructions to submit your Opt Out Form.

**The Claims and Solicitation Agent's E-Opt Out Portal is the sole manner in which Opt Out Forms will be accepted via electronic or online transmission. Opt Out Forms submitted by facsimile, email, or other means of electronic transmission will not be counted.**

**Parties that submit their Opt Out Form using the E-Opt Out Portal should NOT also submit a paper Opt Out Form.**

VERNAEL BARRY KNEARD # 21041751  
FLORIAN GREY Commitment Center  
13619 S.E. Hwy 70  
ARCADIA, FL 39266

United States Court  
Southern District of Texas  
APR 08 2025  
Selling Filed

WINDIGEST LEGAL MAIL

RECEIVED  
APR 03 2025  
FL CIVIL Commitment Ctr.  
MAIL ROOM

Notice of Claims  
Notice of Filings  
Case No. 2:23-cv-559-JES-  
NPM  
CASE No. 24-90533 (ARD)  
UNITED STATES COURTHOUSE INT  
UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF  
TEXAS, HOUSTON DIVISION  
515 RUSK STREET  
HOUSTON, TX 77002

